

Effective 5/10/2016

Part 8 Hearing and Notice Requirements

17C-1-801 Title.

This part is known as "Hearing and Notice Requirements."

Enacted by Chapter 350, 2016 General Session

17C-1-802 Combining hearings.

A board may combine any combination of a blight hearing, a plan hearing, and a budget hearing.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-803 Continuing a hearing.

Subject to Section 17C-1-804, the board may continue:

- (1) a blight hearing;
- (2) a plan hearing;
- (3) a budget hearing; or
- (4) a combined hearing under Section 17C-1-802.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-804 Notice required for continued hearing.

The board shall give notice of a hearing continued under Section 17C-1-802 by announcing at the hearing:

- (1) the date, time, and place the hearing will be resumed; or
- (2)
 - (a) that the hearing is being continued to a later time; and
 - (b) that the board will cause a notice of the continued hearing to be published on the Utah Public Notice Website created in Section 63F-1-701, at least seven days before the day on which the hearing is scheduled to resume.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-805 Agency to provide notice of hearings.

- (1) Each agency shall provide notice, in accordance with this part, of each:
 - (a) blight hearing;
 - (b) plan hearing; or
 - (c) budget hearing.
- (2) The notice required under Subsection (1) may be combined with the notice required for any of the other hearings if the hearings are combined under Section 17C-1-802.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-806 Requirements for notice provided by agency.

- (1) The notice required by Section 17C-1-805 shall be given by:
 - (a)
 - (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a newspaper of general circulation within the county in which the project area or proposed project area is located, at least 14 days before the hearing;
 - (ii) if there is no newspaper of general circulation, posting notice at least 14 days before the day of the hearing in at least three conspicuous places within the county in which the project area or proposed project area is located; or
 - (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days before the day on which the hearing is held on:
 - (A) the Utah Public Notice Website described in Section 63F-1-701; and
 - (B) the public website of a community located within the boundaries of the project area; and
 - (b) at least 30 days before the hearing, mailing notice to:
 - (i) each record owner of property located within the project area or proposed project area;
 - (ii) the State Tax Commission;
 - (iii) the assessor and auditor of the county in which the project area or proposed project area is located; and
 - (iv)
 - (A) each member of the taxing entity committee, if applicable; or
 - (B) if a taxing entity committee has not been formed, the State Board of Education and the legislative body or governing board of each taxing entity.
- (2) The mailing of the notice to record property owners required under Subsection (1)(b)(i) shall be conclusively considered to have been properly completed if:
 - (a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and
 - (b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.
- (3) The agency shall include in each notice required under Section 17C-1-805:
 - (a)
 - (i) a boundary description of the project area or proposed project area; or
 - (ii)
 - (A) a mailing address or telephone number where a person may request that a copy of the boundary description be sent at no cost to the person by mail, email, or facsimile transmission; and
 - (B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description and other related information;
 - (b) a map of the boundaries of the project area or proposed project area;
 - (c) an explanation of the purpose of the hearing; and
 - (d) a statement of the date, time, and location of the hearing.
- (4) The agency shall include in each notice under Subsection (1)(b):
 - (a) a statement that property tax revenues resulting from an increase in valuation of property within the project area or proposed project area will be paid to the agency for project area development rather than to the taxing entity to which the tax revenues would otherwise have been paid if:
 - (i) the taxing entity committee consents to the project area budget; and

- (ii) the project area plan provides for the agency to receive tax increment; and
 - (b) an invitation to the recipient of the notice to submit to the agency comments concerning the subject matter of the hearing before the date of the hearing.
- (5) An agency may include in a notice under Subsection (1) any other information the agency considers necessary or advisable, including the public purpose achieved by the project area development and any future tax benefits expected to result from the project area development.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-807 Additional requirements for notice of a blight hearing.

Each notice under Section 17C-1-806 for a blight hearing shall also include:

- (1) a statement that:
 - (a) a project area is being proposed;
 - (b) the proposed project area may be declared to have blight;
 - (c) the record owner of property within the proposed project area has the right to present evidence at the blight hearing contesting the existence of blight;
 - (d) except for a hearing continued under Section 17C-1-803, the agency will notify the record owner of property referred to in Subsection 17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the proposed project area before the adoption of the project area plan; and
 - (e) a person contesting the existence of blight in the proposed project area may appear before the board and show cause why the proposed project area should not be designated as a project area; and
- (2) if the agency anticipates acquiring property in an urban renewal project area or a community reinvestment project area by eminent domain, a clear and plain statement that:
 - (a) the project area plan may require the agency to use eminent domain; and
 - (b) the proposed use of eminent domain will be discussed at the blight hearing.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-808 Additional requirements for notice of a plan hearing.

Each notice under Section 17C-1-806 of a plan hearing shall also include:

- (1) a statement that any person objecting to the proposed project area plan or contesting the regularity of any of the proceedings to adopt the proposed project area plan may appear before the board at the hearing to show cause why the proposed project area plan should not be adopted; and
- (2) a statement that the proposed project area plan is available for inspection at the agency offices.

Renumbered and Amended by Chapter 350, 2016 General Session

17C-1-809 Additional requirements for notice of a budget hearing.

Each notice under Section 17C-1-806 of a budget hearing shall contain:

- (1) the following statement: "The (name of agency) has requested \$_____ in property tax revenues that will be generated by development within the (name of project area) to fund a portion of project costs within the (name of project area). These property tax revenues will be used for the following: (list major budget categories and amounts). These property taxes will be taxes levied by the following governmental entities, and, assuming current tax rates, the taxes paid to the agency for this project area from each taxing entity will be as follows: (list each

taxing entity levying taxes and the amount of total taxes that would be paid from each taxing entity). All of the property taxes to be paid to the agency for the development in the project area are taxes that will be generated only if the project area is developed.

All concerned citizens are invited to attend the project area budget hearing scheduled for (date, time, and place of hearing). A copy of the (name of project area) project area budget is available at the offices of (name of agency and office address)."; and
(2) other information that the agency considers appropriate.

Renumbered and Amended by Chapter 350, 2016 General Session